CITY COUNCIL MEETING MINUTES
CITY OF SANTA MARIA, CALIFORNIA
APRIL 16, 2019 - CITY HALL COUNCIL CHAMBERS

INVOCATION
Tim Mossholder of the Santa Maria Foursquare Church gave the Invocation.

PLEDGE OF ALLEGIANCE
Councilmember Soto led the Pledge of Allegiance.

CALL TO ORDER
Mayor Patino called the meeting to order at 5:30 p.m.

ROLL CALL:
MEMBERS PRESENT:
Alice Patino, Michael Moats, Mike Cordero, Gloria Soto, and Etta Waterfield

STAFF MEMBERS PRESENT:
City Manager Jason Stilwell, Interim City Attorney Philip Sinco, Senior Planner Frank Albro, Battalion Chief Anthony Clayburg, Chief of Police Phillip Hansen, Director of Finance Mary Harvey, Planning Division Manager Ryan Hostetter, City Librarian Mary Housel, Director of Public Works/City Engineer Kevin McCune, Human Resources Manager Michelle New, Director of Recreation & Parks Alex Posada, Director of Utilities Shad Springer, Principal Civil Engineer Rodger Olds, Public Information Manager Mark van de Kamp, Assistant City Manager Patrick Wiemiller, and Chief Deputy City Clerk Rhonda Garietz

1 PROCLAMATIONS/PRESENTATIONS

A. Councilmember Waterfield presented a Proclamation recognizing May 2, 2019, as "Day of Prayer" in the City of Santa Maria, and encouraging people of all faiths to participate according to their own traditions. The Proclamation was accepted by George Majoue of Community of Prayer, Inc.

B. Councilmember Cordero presented a Proclamation recognizing April 22-26, 2019, as "Committed Week" in the City of Santa Maria, and encouraging all residents to support and participate in alcohol and other drug prevention activities. The Proclamation was accepted by Britt Stanley and Sarah Baeza from CADA.

C. Councilmember Moats presented a Proclamation recognizing the week of May 5-11, 2019, as "Public Service Recognition Week" in the City of Santa Maria, and encouraging all residents and businesses to recognize the accomplishments and contributions of government employees at all levels - Federal, State, County, and City. The Proclamation was accepted by several City of Santa Maria employees representing different Departments.

D. Mayor Patino presented a Proclamation recognizing May 4, 2019, as "Serve Santa Maria Day" in the City of Santa Maria, and calling upon residents of Santa Maria to render support to the volunteer acts of service of the organization. The Proclamation was accepted by Pastor Carl Nielsen of Bethel Lutheran Church. He spoke about the 10-year anniversary for Serve Santa Maria, and reflected on the many projects accomplished by volunteers over the past 10 years.

E. Councilmember Soto presented a Proclamation in recognition of "Energy Solutions" in the City of Santa Maria, and supporting proposed State legislation that retains local control by allowing all technologies and energy resources that power buildings and fuel vehicles. The Proclamation was accepted by Tim Mahoney of Southern California Gas Company.

2 PUBLIC COMMENT PERIOD
Sara Macdonald, representing the League of Women Voters, commented that she was at the meeting as an observer for the League.

Gina Cortez, representing Fighting Back Santa Maria Valley, explained how the organization offers youth options to fight alcohol and drug abuse.

Gary Hall and Daniel Swanson, representing NSBMHT, spoke about the need for enforceable mobile home rent stabilization.

Ernest Armenta spoke about the issues the City of Santa Maria faces.

3 CONSENT CALENDAR
Councilmember Soto asked to pull Item 3C for questions.

California Energy Commission Loan

Councilmember Soto asked how much space the solar panels would take, and if other locations had been considered.

Assistant City Manager Wiemiller responded that other locations had not been considered. This was an opportunity that came before the City and a suitable location near the landfill, already owned by the City, happened to be available. The panels will take about eight acres of space. Savings to the City would be around $460,000 annually.

Consent Calendar Items 3A-3F were approved as presented, including the adoption of Resolution Nos. 2019-40 and 2019-41. The recorded vote appears with each item below.

A. Waive the reading in full of all Ordinances and Resolutions. Ordinances on the Consent Agenda will be adopted by the same vote cast at the first meeting, unless City Council indicates otherwise.

Action: Waived readings in full.
Moved by Councilmember Waterfield, seconded by Councilmember Cordero.
Motion carried. Readings waived. 5-0.

B. Approve the Minutes of the regular City Council meeting of April 2, 2019; the special City Council meeting of April 6, 2019; and the special City Council meeting of April 7, 2019.

Action: Minutes were approved as submitted.
Moved by Councilmember Waterfield, seconded by Councilmember Cordero.
Motion carried. 5-0.

C. Adopt a Resolution authorizing the City Manager to apply for a $3 million, one-percent interest rate loan from the California Energy Commission to build a 2.9 MW Photo Voltaic solar system.

Action: Authorization was granted to apply for a $3 million, one percent interest rate loan from the California Energy Commission.
Moved by Councilmember Waterfield, seconded by Councilmember Cordero.
Motion carried. Adopted as Resolution No. 2019-40. 5-0.

D. Payment of Warrants. Ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Finance.

Action: Warrants ratified.
Moved by Councilmember Waterfield, seconded by Councilmember Cordero.
Motion carried. 5-0.

E. Payment of Payroll. Ordered ratified subject to having been certified by the proper Department Directors, as shown on records on file in the Department of Finance, and having been approved for payment by the Director of Finance.

Action: Payroll ratified.
Moved by Councilmember Waterfield, seconded by Councilmember Cordero.
Motion carried. 5-0.

F. Adopt a Resolution for the fiscal year 2019-20 budget to incorporate a list of projects funded by Senate Bill 1, the Road Repair and Accountability Act of 2017.

Action: List of projects was approved.
Moved by Councilmember Waterfield, seconded by Councilmember Cordero.
Motion carried. Adopted as 2019-41. 5-0.

4 APPOINTMENTS

A. The City Council considered making one appointment to the *Block Grants Advisory Committee* and one appointment to the *Central Coast Water Authority*. Chief Deputy City Clerk Garietz gave the presentation as detailed in the agenda report.

Mayor Patino nominated and appointed Sarah Mostafa.
Moved by Mayor Patino, seconded by Councilmember Moats.
By ratification of the City Council, Sarah Mostafa was appointed to the Block Grants Advisory Committee to fill an unexpired term ending in July 2020.

Central Coast Water Authority
Mayor Patino nominated and appointed Councilmember Waterfield.
Moved by Mayor Patino, seconded by Councilmember Moats.
By ratification of the City Council, Councilmember Waterfield was appointed as the City's

5 PUBLIC HEARING

A. **MEASURE "A" FIVE-YEAR LOCAL PROGRAM OF PROJECTS FOR FISCAL YEAR 2019-20 THROUGH FISCAL YEAR 2023-24.** The City Council considered adopting the Measure A Five-Year Local Program of Projects through Fiscal Year 2023-24.

Director of Public Works McCune gave the presentation as detailed in the agenda report. There are five main categories of street revenues the City uses. Measure A makes up 42 percent, State Gas Tax makes up 17 percent, Maintenance of Effort 25 percent, and the rest were SB1 Road Maintenance and Rehabilitation, and Local Surface Transportation Program. Altogether, the City receives about $12 million per year for street maintenance.

The City's Pavement Condition Index (PCI) rates between Good and Fair with an average PCI of 70. The City's streets are its largest asset with a net worth of over $1 billion. Measure A is a 30-year, one-half cent sales tax approved by voters in 2008 for Santa Barbara County. 79 percent of the voters in Santa Maria voted in favor of Measure A.

Principal Civil Engineer Olds went on to present the five-year program of projects. Recently completed Measure A funded projects included the Bradley Median Improvement project, the 2018 Slurry project, and the Updated Pavement Management Program. Fifteen percent of Measure A funds are required to be used for alternative transportation such as sidewalks, pedestrian improvements, bikeways, and transit improvements, and the City was meeting this requirement.

Councilmember Waterfield commented that the recent rains had damaged the roads, and asked where and when repairs would start. She also asked for clarification on the City's street needs with Caltrans and when they would begin work, particularly on Broadway, Main, and Blosser.

Principal Civil Engineer Olds responded that staff was currently working on the 2019 Chip Seal project, and work would begin in the Spring. Some overlay work had been done recently on poor street surfaces which seemed to be holding up very well following the rains. In addition, Caltrans does have certain Santa Maria streets lined up for work this year and in 2021, including problem sections under bridges on Hwy. 101, and the entire length of Broadway through the City.

Councilmember Soto asked if the 15 percent was being used for an alternative transportation plan (ATP), or if that came from a separate grant.

Principal Civil Engineer Olds responded that the local match for an ATP grant was about $50,000, and the total 15 percent the City would be required to use was actually $850,000 which would be applied toward major sidewalk repairs and bike lanes.

Councilmember Cordero asked if the State of California entered into a working agreement with cities to fix bad roads, and if staff could do some of the work and be repaid by the State so that it could be carried out in a more expeditious manner.

Principal Civil Engineer Olds responded that the City does have an agreement with Caltrans for sidewalks on Main and Broadway. Discussions could be had with Caltrans to learn about possible options for further work and reimbursement.

Public Hearing
Mayor Patino opened the Public Hearing at 6:35 p.m., and having no requests to speak, immediately closed the Public Hearing.

Action: The Measure A Five-year Local Program of Projects for fiscal years 2019/20 through 2023/24 was approved.
Moved by Councilmember Waterfield, seconded by Councilmember Moats.
Motion carried. Adopted as Resolution No. 2019-42. 5-0.

B. **2019 WEED ABATEMENT PROGRAM.** The City Council conducted a public hearing to hear protests against the abatement of public nuisances such as dangerous weeds, rubbish, refuse, and dirt; and authorized the Director of Public Works to perform the abatement of the nuisances from public and unimproved private lots.

On March 19, 2019, 175 lots were declared a public nuisance in the City. Property owners were asked to clean up the lots or the City would offer to do so at a cost to the owners. This cost would be reflected on property tax bills. A list of the properties declared nuisances had been provided with the staff report. Following a public hearing to hear any objections, and with the adoption of the Resolution this evening, staff would go ahead and begin the weed abatement.

Public Hearing
Mayor Patino opened the Public Hearing at 6:40 p.m., and having no requests to speak, immediately closed the Public Hearing.

Action: The abatement of weeds, rubbish, refuse, and dirt pursuant to Title 5, Chapter 8 of the Santa Maria Municipal Code was approved.
Moved by Councilmember Cordero, seconded by Councilmember Waterfield.
Motion carried. Adopted as Resolution No. 2019-43. 5-0.

C. **ZONING ADMINISTRATOR HEARING FOR EMPLOYEE HOUSING, PERMIT TIME LIMITS, AND REORGANIZATION OF CHAPTER 12.35 OF THE CITY CODE.** The City Council considered: 1) zoning code text amendment options regarding Employee Housing, including the option presented in the Planning Commission recommendation; 2) a zoning code text amendment to establish a Zoning Administrator hearing process, amend time limits of discretionary permits, and reorganize Chapter 12-35; and 3) an Ordinance amending Title 12, the City of Santa Maria Zoning Code, to establish a Zoning Administrator hearing process, amend time limits of discretionary permits, reorganize Chapter 12-35, and establish provisions for Employee Housing (Z2016-0003).

On January 16, 2019, the Planning Commission voted 3-2 (Noes: Commissioners Hernandez and White O'Neill) to recommend that the City Council consider an Ordinance amending multiple sections of Title 12 of the Santa Maria Municipal Code regarding H-2A Housing in the City where all Employee Housing for seven or more residents per unit would be subject to Conditional Use Permit approval by the Zoning Administrator and all provisions for Employee Housing in the R-1 district expire in 18 months from date of ordinance adoption.

Community Development Director Ng began the staff presentation recalling that, in February 2018, complaints were received regarding single-family homes being used for H-2A housing. In March 2018, an urgency ordinance was put into place prohibiting the use of homes for H-2A housing of seven or more workers in the R-1 and R-2 residential zones. The ordinance expired in April 2018 after it was not extended by the City Council. Following that, five public workshops were held to educate the public and City staff on H-2A issues between June 14, 2018 and November 15, 2018. On November 21, 2018, the first Planning Commission hearing was held to consider an ordinance concerning employee housing; and in January 2019, a second hearing was held where the Commission made the described recommendation.

The emphasis with this ordinance was on residential zones, but commercial and industrial zones need to be included in the conversation. In the short-term, given existing constraints and limited housing supply, an ordinance had been drafted to manage and regulate employee housing use to minimize impacts to residential neighborhood quality and character. In the long-term, there is a need to increase housing stock, in particular for farmworkers.

Planning Manager Hostetter continued the presentation saying that the zoning code was a living document that allows the opportunity to amend as necessary. The City Council has the opportunity to determine which residential zones (if any) would allow for employee housing; what type of review would be required; and who would review and approve the permits. Types of permits include permit by right without review, ministerial (over the counter permits) with criteria and performance measures, and conditional or discretionary public hearing with a 300 foot mailed notice.

The Planning Commission recommended that employee housing be allowed in all residential zones, with a required Conditional Use Permit in R-1 (single family, 4-8 units per acre) and R-2 (slightly smaller lots with up to 12 units per acre) zones, and as a Permitted Use in R-3 (high-density with 22-30 units per acre) zones. A Zoning Administrator Hearing would be required for R-1 and R-2 zones with a 300 foot noticing. Appeals would go to the Planning Commission, and could also go to the City Council. The Planning Commission also set a sunset period of 18 months for housing of seven or more employees in the R-1 zone.

Staff had proposed an Option B to the Planning Commission to allow employee housing in R-1 and R-2 with ministerial permits if there were between 7-10 employees; a conditional use permit if there were 11 or more employees; and as a permitted use in R-3.

The proposed ordinance would amend Chapter 12-35 of the Municipal Code to define employee housing, apply to employees housed with seven or more employees, establish performance measures (State Workforce Agency Certification, Dwelling and Property Maintenance, and provisions to maintain the residential appearance of the property), enable modifications to performance standards through the Conditional Use Permit process, and require an applicant's Statement of Acknowledgment. Other edits would set time limits for permits, reorganize the Chapter, and establish a Zoning Administrator Process.

Councilmember Moats expressed concern about Option B and the conversion of a home into H-2A housing without a required 300-foot notice to surrounding homes. He also asked how long Conditional Use Permits (CUP) last.

Community Development Director Ng responded that a CUP would last indefinitely.

Councilmember Cordero commented that he did not like the 18-month sunset proposed in the Planning Commission's recommended Option A.

Councilmember Waterfield commented that she believed the permitting and noticing should be required anywhere H-2A housing was going to be established.

Chief Deputy City Clerk Garietz indicated that four written communications had been received from Franziska Shepard, the California Strawberry Commission, Hazel Davalos, and the Grower Shipper Exchange. One phone call had been received from Steve Johnson strongly opposing H-2A housing in residential zones. Copies had been posted to the City's website, and were made available at the dais for the City Council.

Public Hearing
Mayor Patino opened the Public Hearing at 7:12 p.m.

Ex Parte Communications
Councilmember Cordero stated he had had ex-parte communications with Claire Wineman and Laura Brown.

Councilmember Moats stated he had met with Ms. Wineman, Mr. Castaneda, and Mr. Prandini.

Mayor Patino stated she had met with Laura Brown and Claire Wineman.

Councilmember Soto stated she had met with Laura Brown and Claire Wineman.

Claire Wineman, representing the Grower-Shipper Association of Santa Barbara and San Luis Obispo Counties, spoke in favor of H-2A housing, but against an 18-month term limit. She stated the Association supports staff's Option B, as long as it was amended to allow H-2A housing as a permitted use in the R-2 zones (as in R-3) rather than a conditional use permit in R-2. In exchange for treating R-2 zones the same as R-3 zones, she added that the Association was willing to concede a tenant displacement fee in the amount of three months of current rent for the unit in the event that tenants were displaced by the conversion of the unit to employee housing.

Hazel Davalos, representing CAUSE, spoke against putting H-2A housing in R-3 zones. She expressed concern about over-noticing neighbors, and cited the incident in Nipomo (potential H-2A housing was destroyed in an intentional fire). She also mentioned a potential solution to the housing shortage issue saying that Santa Barbara and the County of Santa Barbara require landlords to provide financial assistance to displaced tenants in the event of renovations or conversions.

Cheryl Ausan expressed concern over the issues H-2A housing created in her neighborhood.

Carlos Castaneda stated he has never had a problem in the six years he had been employing H-2A farmworkers. Agriculture had improved the community investing in R-1, R-2, and R-3 properties. He asked that the City Council support Option B with the two amendments previously mentioned (tenant displacement fee and permitted use in R-2 zones). He added that he disagreed with the proposed Option A 18-month sunset.

Leopoldo Cumplido, a local H-2A farmworker, expressed his gratitude for the opportunity to be employed in Santa Maria, and make a difference for his family. He added that he and his co-workers do not want to lose the opportunity to work in the City.

John Erb commented that growers pay roughly 30 percent more to bring guest workers into the area, but have to do so in order to keep their businesses going.

Ken Trigueiro, of Peoples' Self-help Housing, spoke about being a part of the solution in terms of helping to provide housing. He asked that the 18-month time limit not be a part of the Ordinance.

Felipe Mendoza spoke about living in R-1 zoning and the problems he was having with H-2A housing in his neighborhood. He encouraged the City Council to put H-2A housing in appropriate

areas like hotels.

Alex Mendoza spoke about being an employer of H-2A guest workers saying he lets his employees know the rules, and tries to introduce them to other neighbors to alleviate any potential problems.

Kevin Gee, a strawberry farmer, commented that the H-2A program was vital to local agriculture. Emergency calls decreased when a property was converted to employee housing, and property values near his renovated building actually improved. He encouraged the City Council to vote for Option B.

George Adam, representing Innovative Produce, reviewed the costs of labor involved with agriculture.

Robert Gonzalez, an H-2A employer, spoke about the sacrifices the workers face leaving their families behind to come to the U.S. to work as residents of the City. He expressed his concern over limiting housing options for the workers.

Paul Allen, of Freshway Farms, spoke about lawsuits brought on the City of Guadalupe in 2014 when they passed an ordinance banning the conversion of property to H-2A housing. He pointed out that the City of Santa Maria has had H-2A housing for several years, and there had not been many problems. He encouraged the City Council to support Option B.

Leo Corona, an H-2A employer, reminded everyone that his workers are human beings working in the City, and expressed his concern that they were being discriminated against.

Alexandra Allen, of Freshway Farms, commented that no one gets to approve their neighbors or know who they will be prior to them moving in. There was no evidence that the guest workers would cause the kind of trouble people seem to be expecting. Prohibiting H-2A workers from living in the City would not change current housing shortages.

Lorena Chavez said she had been offended by a comment from the last City Council meeting about how farmworker housing should be a concern of the County. She suggested that agriculture was not just a concern of the County, but also the City. Much of the agricultural business was actually conducted in the City, and housing H-2A farmworkers should be a concern for both the City and County.

Ernest Armenta reminded everyone that the City was facing more issues than just H-2A housing.

Carlton Duty expressed concern over the journalism coverage with the last Council meeting regarding rumors of possible displacement of seniors during a conversion of property to H-2A housing. He encouraged the City Council to try to minimize controversy during discussions, and not instill moratoriums created out of fear.

Bryan Gresser commented that no one knows who their neighbors will be, and asked why H-2A workers should be treated any differently.

Sergio Rivera, an H-2A worker, commented that his employer brought him here because he thought he would be a good employee. He went on to say he came to Santa Maria to work, not to cause problems.

Having no further requests to speak, Mayor Patino closed the Public Hearing at 8:17 p.m.

Council discussion

Councilmember Moats stated he supported Option B with two amendments: 1) group R-2 with R-3; and 2) for R-1 with more than seven persons in a home, a CUP be required as he felt it was important that single family residents in R-1 receive noticing if employee housing were coming into their neighborhood. He said he did not favor the proposed 18 month sunset, and he was amenable to using the displacement compensation.

Councilmember Cordero stated that, for the most part, he agreed with Councilmember Moats. However, he stated he would not be in favor of a CUP at seven persons in an H-2A housing situation. He reminded everyone that H-2A workers were not illegal aliens, but rather here on visas and should be allowed to participate in the community. He also expressed concern about legal ramifications that were brought on Guadalupe, and he hoped staff would consult with a variety of attorneys in order to prevent that from happening in Santa Maria.

Councilmember Soto expressed concern about low income families, most of whom live in R-2 and R-3 neighborhoods, and how putting more restrictions such as a CUP on them would displace more low-income families. She also stated that residential zones were meant to house people. She said she did not believe it was up to the City Council to say which people could live in them.

Councilmember Waterfield stated that the City Council was elected by the residents of Santa Maria to protect their way of living. She said she did not know of any other industry that forces a community to house its workers. She said she supported Option A. There should be more concern about potential displacement of residents rather than satisfying business owners' needs. She stated she believed that housing farm workers should be a County issue.

Councilmember Soto said she agreed that it was important to protect the residents of Santa Maria, but not just those who had the means to purchase homes. She also spoke about directing staff to look into tenant displacement assistance.

Mayor Patino stated she was leaning more toward Option A saying she thought it was important to honor single family home zoning. She said she was in favor of a CUP for R-1 zones, and that she felt the City Council should be talking with the County, particularly with the shortage of housing in City limits.

Councilmember Cordero reminded everyone that H-2A housing rules were already in place by the Government. He suggested that the City Council take that language and add specifics.

Councilmember Moats made a motion to adopt Option B with the following amendments: 1) combine R-2 with R-3 for the purpose of municipal review; 2) in R-1, housing of 7 persons or more would require a CUP; and 3) include direction to staff to research tenant displacement compensation.

Interim City Attorney Sinco suggested that the Council direct staff to bring back the ordinance as revised by the Council and to include appropriate findings. The item would not require a public hearing as one had just been held if no other changes were made.

Councilmember Soto clarified that the motion was to direct staff to draft an ordinance (not adopt Option B) that included the items the City Council had agreed on, and bring it back to the Council at a future meeting.

Action: An Ordinance was not introduced. Direction to staff was given to return with an Ordinance with revisions to permit employee housing as a matter of right in the R-2 and R-3 zoning districts, but to require a Conditional Use Permit for seven or more persons per unit in the R-1 zoning district, and include appropriate findings. Staff was also directed to bring a proposed ordinance concerning tenant displacement compensation as a separate item for a future meeting.
Moved by Councilmember Moats, seconded by Councilmember Soto.
Motion carried. 4-1. Noes: Councilmember Waterfield.

REPORT BY CITY MANAGER
City Manager Stilwell reported that the next regular City Council meeting would be May 7, 2019. Items on the agenda would include a proclamation for Go Rodeo Days, and the CDBG Action Plan review.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS (INCLUDING AB1234 REPORTS)
Councilmember Cordero reported that he attended the Strawberry Recognition dinner; the Elks Queen kick-off event; and the interviews for the City Attorney position.

Councilmember Moats reported he attended the interviews for the City Attorney position.

Councilmember Waterfield reported she attended a meeting with Exxon; a LAFCO Board meeting; the interviews for the City Attorney position; and an event in Arizona called Country Thunder.

Councilmember Soto reported she attended the Strawberry Recognition dinner; the Santa Barbara County Census Count workshop; the Elks Queen kick-off event; a community input meeting for the Enos Park & Cultural Center; a community meeting for the Sports/Soccer Complex; a CAUSE Action Plan awards reception; and spoke at a leadership class at Fesler Junior High.

Mayor Patino reported she attended the pinwheel planting and presented a Child Abuse Prevention Proclamation; toured the Police Department with students; met with Southern California Gas Company; met with representatives from Exxon; participated in Downtown Fridays; attended the Elks Queen kick-

off event; participated in the Day of Hope fundraiser; the groundbreaking for the Sierra Madre Cottages; a teen advisory committee meeting; a Recreation & Parks community meeting on the Cultural Center at Enos Ranch; spoke at a Women's Council of Realtors meeting; a Fighting Back Santa Maria Valley meeting; and attended a Rotary meeting.

ADJOURNMENT

There being no further business before the City Council, Mayor Patino declared the City Council meeting adjourned at 9:15 p.m.

Approved at a regular meeting on May 7, 2019.

Rhonda M. Garietz, CMC
Chief Deputy City Clerk and ex officio Clerk
of the City Council

ATTEST:

Rhonda M. Garietz, CMC
Chief Deputy City Clerk

Alice M. Patino
Mayor of the City of Santa Maria